

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

TYRONE OLIVER,

Plaintiff,

v.

Civil Action No. _____

DEUTSCHE BANK NATIONAL TRUST COMPANY,
and WILSON & ASSOCIATES, PLLC

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C.A. §§ 1332, 1441 and 1446, Defendant Deutsche Bank National Trust Company ("Deutsche Bank"), hereby removes this case. As grounds for removal, Deutsche Bank states as follows:

1. This Action is one of a civil nature, wherein the United States District Court for the Western District of Tennessee, Western Division has jurisdiction pursuant to 28 U.S.C.A. § 1332.
2. This action was commenced on or about July 29, 2009 by the filing of a Complaint against Deutsche Bank and Wilson & Associates, PLLC ("Wilson Firm") in the Chancery Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis, bearing Cause No. CH-09-1571-1. Copies of all pleadings in this action are attached to this Notice of Removal collectively as Exhibit "A," and are incorporated herein by reference.
3. This Notice of Removal is filed within thirty days of service of the initial pleading, pursuant to 28 U.S.C.A. § 1446(b). The Wilson Firm was served with process on or

about July 29, 2009. Accordingly, this Notice of Removal is timely under 28 U.S.C.A. § 1446(b).

4. Pursuant to 28 U.S.C.A. § 1446(d), all parties are being provided with written notice of removal and a copy of this Notice of Removal is being filed with the Clerk of the Chancery Court of Shelby County, Tennessee.

5. Plaintiff is resident citizen of Shelby County, Tennessee. (Compl. at ¶ 1.)

6. Deutsche Bank is a national banking association incorporated under the laws of the United States. *See* 12 U.S.C.A. § 81. Its articles of association designate its Los Angeles, California office as its main office. As a result, it is a citizen of the State of California for diversity jurisdiction purposes. *Wachovia Bank, Nat'l Assoc. v. Schmidt*, 546 U.S. 303, 318 (2006) (national bank is citizen of the state designated in its articles of association as its main office).

7. The Wilson Firm is incorporated and has its principal place of business in the State of Arkansas. The Wilson Firm is, therefore, a citizen of the State of Arkansas for diversity jurisdiction purposes.

8. Thus, the controversy in this action is, at the time of the commencement was, and at all times has been, a controversy between citizens of different states. There is, therefore, complete diversity of citizenship between the parties, pursuant to 28 U.S.C.A. § 1332(a)(1).

9. In the Complaint, Plaintiff demanded a judgment in the amount of \$2,000,000.00 in compensatory damages. (Compl. at 5, ¶ 2.)

10. Thus, amount in controversy in this action exceeds \$75,000.00, exclusive of interest and costs, pursuant to 28 U.S.C.A. § 1332(a).

11. Venue properly rests in the Western Division of the United States District Court for the Western District of Tennessee, pursuant to 28 U.S.C.A. § 123(c)(2), since this action is being removed from the Chancery Court of Shelby County, Tennessee where it was originally filed.

12. Counsel for Deutsche Bank has confirmed that the Wilson Firm consents to and joins in the removal of this proceeding.

13. For the foregoing reasons, this Court has jurisdiction of the subject matter pursuant to 28 U.S.C.A. § 1332, as amended.

WHEREFORE, Deutsche Bank National Trust Company files this Notice of Removal and removes this civil action from the Chancery Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis.

RESPECTFULLY SUBMITTED, this the 27th day of August, 2009.

/s/ Melody McAnally
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Melody McAnally (Tenn. BPR No. 025971)
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*Attorneys for Defendant Deutsche Bank National
Trust Co.*

CERTIFICATE OF SERVICE

I, Melody McAnally, one of the attorneys for Defendant Deutsche Bank National Trust Co., do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following, via the Court's Electronic Filing System, and I have also served a true and correct copy of the above foregoing by U. S. Mail, postage pre-paid, to the following:

Ted. I. Jones, Esquire
100 North Main Building, Suite 1928
Memphis, TN 38103

Attorney for Plaintiff

Jay Kendall, Esquire
Wilson & Associates, PLLC
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Creekside Crossing III
Brentwood, TN 37027

Attorney for Defendant Wilson & Associates, PLLC

/s/ Melody McAnally